



UNITED STATES PATENT AND TRADEMARK OFFICE

H-A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,439	09/08/2003	Larry White	SONY-26600	4739

7590 03/01/2007
Jonathan O. Owens
HAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale, CA 94086

EXAMINER

PARK, JEONG S

ART UNIT	PAPER NUMBER
----------	--------------

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/658,439

Applicant(s)

WHITE ET AL.

Examiner

Jeong S. Park

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/8/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 2, 9, 15, 21, 30, 33, and 37 are objected to because of the following informalities:

In claim 1, line 10, the phrase "content data synchronization" should be corrected as --the content data synchronization-- for clear understanding of the claim;

In claim 2, line 1, the phrase "update information" should be corrected as --the update information-- for clear understanding of the claim;

In claim 2, line 2, the phrase "new content" should be corrected as --the new content-- for clear understanding of the claim;

In claim 9, line 1, the phrase "update information" should be corrected as --the update information-- for clear understanding of the claim;

In claim 9, line 2, the phrase "new content data" should be corrected as --the new content data-- for clear understanding of the claim;

In claim 15, line 10, the phrase "content data synchronization" should be corrected as --the content data synchronization-- for clear understanding of the claim;

In claim 15, line 11, the phrase "new content" should be corrected as --the new content-- for clear understanding of the claim;

In claim 21, line 2, the phrase "a network device" should be corrected as --an external device-- to be consistent with previous claims and for clear understanding of the claim;

In claim 21, line 16, the phrase "new content" should be corrected as --the new content-- for clear understanding of the claim;

In claim 30, line 1, the phrase "content data" should be corrected as --the content data-- for clear understanding of the claim;

In claim 33, line 2, the phrase "additional update information" should be corrected as --the additional update information-- for clear understanding of the claim; and

In claim 37, line 1, the phrase "content data" should be corrected as --the content data-- for clear understanding of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 27-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 27 is drawn towards a method of synchronizing data comprising sending first update information and sending second update information. This can be just an abstract idea. In order for an abstract claim to be statutory, it must result in useful, concrete, and tangible results. The final result achieved by the claimed invention does not produce any tangible result.

Claims 28-31, which are dependent on claim 27, do not add any tangible results to the claim and thus are rejected for the same.

Independent claim 32 is drawn towards a method of synchronizing data comprising performing data synchronization, receiving content data, obtaining update information, providing the update information, and updating the content directory service. This can be just an abstract idea. In order for an abstract claim to be statutory, it must result in useful, concrete, and tangible results. The final result achieved by the claimed invention does not produce any tangible result.

Claims 33-37, which are dependent on claim 32, do not add any tangible results to the claim and thus are rejected for the same.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2109

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Carter et al. (hereinafter Carter)(U.S. Pub. No. US 2002/0194309 A1).

Regarding claims 1, 2, 8, 9, and 15, Carter discloses as follows:

A media server (master digital multimedia device, reference character 112 in figure 1, see, e.g., page 3, paragraph [0027], lines 4-10) comprising;

A database to store content data (multimedia database, reference character 106 in figure 1, see, e.g., page 3, paragraph [0028]);

A synchronization application (control unit, reference character 314 in figure 3) to perform content data synchronization with an external device (digital multimedia device via the control unit synchronizes a user's files, connected to the digital multimedia device, automatically from a multimedia database, see. e.g., page 3, paragraph [0031], lines 1-8);

A content directory service to browse the content data stored in the database and to provide information regarding the content data stored in the database, wherein the content directory service is provided by the multimedia database (106 in figure 1) and control unit (314 in figure 3) in the digital multimedia device (see, e.g., page 3, paragraph [0028] and paragraph [0030], lines 16-21); and

An interface layer coupled to communicate with the synchronization application and the content directory service to provide update information to the content directory service or the synchronization application regarding new content data received by the

Art Unit: 2109

database from the external device during content data synchronization, wherein the control unit (314 in figure 3) works as a combined system of the synchronization application and the interface layer in order to provide update information from the external multimedia database device to the digital multimedia device (see, e.g., page 3, paragraph [0031], lines 1-8).

Regarding claims 3, 10, 16, and 22, Carter discloses that the external device or the network device is a second media server (the digital multimedia player, 104 in figure 1, automatically performs the synchronization and download function between master and subordinate digital multimedia devices which means the digital multimedia player works exactly same as the master digital multimedia player, see, e.g., page 4, paragraph [0032], lines 1-5).

Regarding claims 4, 11, 17, and 23, Carter discloses that the external device or the network device includes an internet service (network system connects all external devices is the Internet representing a worldwide collection of networks and gateways that use the TCP/IP suite of protocols to communicate with one another, see, e.g., page 3, paragraph [0027], lines 16-19).

Regarding claims 6, 7, 13, 14, 19, 20, 25, 26, 29, 30, 36, and 37, Carter discloses that the content data includes media files such as audio, video, graphic, and text data (see, e.g., page 4, paragraph [0033], lines 14-18).

Regarding claim 21, Carter discloses as follows:

A first media server (master digital multimedia device, reference character 112 in figure 1, see, e.g., page 3, paragraph [0027], lines 4-10) coupled to the network device (same as the external device as explained above) comprising;

A database to store content data (multimedia database, reference character 106 in figure 1, see, e.g., page 3, paragraph [0028]);

A synchronization application (control unit, reference character 314 in figure 3) to perform content data synchronization with an external device (digital multimedia device via the control unit synchronizes a user's files, connected to the digital multimedia device, automatically from a multimedia database, see. e.g., page 3, paragraph [0031], lines 1-8);

A content directory service to browse the content data stored in the database and to provide information regarding the content data stored in the database, wherein the content directory service is provided by the multimedia database (106 in figure 1) and control unit (314 in figure 3) in the digital multimedia device (see, e.g., page 3, paragraph [0028] and paragraph [0030], lines 16-21); and

An interface layer coupled to communicate with the synchronization application and the content directory service to provide update information to the content directory service or the synchronization application regarding new content data received by the database from the external device during content data synchronization, wherein the control unit (314 in figure 3) works as a combined system of the synchronization application and the interface layer in order to provide update information from the

external multimedia database device to the digital multimedia device (see, e.g., page 3, paragraph [0031], lines 1-8).

Regarding claims 27 and 31, Carter discloses as follows:

A method of synchronizing data between two network devices (see, e.g., paragraph [0016], lines 1-3), the method comprising:

Sending first update information to a content directory service (visual display means) from an interface layer (control unit) regarding a first new content data received by a first media device (data storage memory unit of the digital multimedia device) from a second media device (music multimedia database) during content data synchronization performed by a synchronization application (see, e.g., page 3, paragraph [0030] and paragraph [0031] and figure 3);

Sending second update information to the synchronization application (processor, 302 in figure 3) from the interface layer (control unit) regarding a second new content added to the first media device (data storage memory unit, 312 in figure 3, of the digital multimedia device), wherein the second new content data is synchronized with the second media device (music multimedia database) during a next content data synchronization (see, e.g., page 3, paragraph [0030] and paragraph [0031] and figure 3); and

Sending the first update information to the content directory service and sending the second update information to the synchronization application are performed automatically (see, e.g., page 4. paragraph [0032], lines 1-5).

Regarding claims 32-34 and 38, Carter discloses as follows:

A method or an apparatus of synchronizing data between two network devices (see, e.g., page 2, paragraph [0016], lines 1-3), the method comprising:

Performing data synchronization between a first media server and a second media server (see, e.g., page 3, paragraph [0031], lines 2-8);

Receiving content data related to the data synchronization on the first media server (data storage memory unit, 312 in figure 3, of the digital multimedia device, see, e.g., page 3, paragraph [0031], lines 12-18);

Obtaining update information related to the received content data from a synchronization application on the first media server (see, e.g., page 3, paragraph [0031], lines 21-24);

Providing the update information to a content directory service (visual display means) of the first media server (see, e.g., page 3, paragraph [0030], lines 16-21); and

Updating the content directory service according to the update information (see, e.g., page 3, paragraph [0031], lines 21-24 and paragraph [0030], lines 16-21).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 12, 18, 24, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (hereinafter Carter)(U.S. Pub. No. US 2002/0194309 A1) in view of Gu et al. (hereinafter Gu)(U.S. Patent No. 6,892,230 B1).

Regarding claims 5, 12, 18, 24, 28, and 35, Carter discloses all the claim limitations of claims 1, 8, 15, 21, 27, and 32 as explained above except for disclosure of the media server is a Universal Plug and Play enabled device and the content directory service is a Universal Plug and Play content directory service.

The general concept of enabling a Universal Plug and Play featured device and service is well known within the art as illustrated by Gu which discloses a Universal Plug and Play (see, e.g., col. 5, lines 20-29).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Carter to include using a Universal Plug and Play enabled device and service as taught by Gu in order to avoid user installation experience, persistent relationship configurations and software driver download whenever connecting multiple network devices together.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.

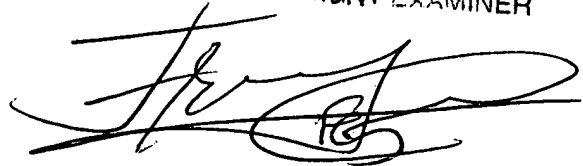
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSP
February 21, 2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz Jules', is written over a horizontal line. The signature is stylized with a large 'F' and a cursive 'J'.